

REMARKS

This Amendment is submitted simultaneously with filing of a Request for Continuing Examination.

In the final Office Action the Examiner rejected claims 13-18 under 35 USC 103(a) over the U.S. patent to Krasznai in view of the U.S. patent application publication to Lenkiewicz.

Claims 16 and 17 were objected to.

In connection with the Examiner's formal objection to these claims, claims 16 and 17 have been amended to depend on claim 13, and therefore it is believed that the grounds for the formal objections are no longer tenable and should be withdrawn.

After carefully considering the Examiner's grounds for rejection of the claims over the art, applicants amended claim 13, the broadest claim on file. Claim 13 as amended, in addition to other features, defines that the filling marks 29, 30 provided in the viewing window 21 extend over a full length and a full width of the viewing window 21, as can be seen specifically from figure 2 of the drawings.

Dependent claim 19 has been added which additionally defines that the filling marks 29, 30 extend at the right angle to each other so as to form a cross, as can be seen from figure 3. Finally, claim 20 has been added, which defines both above-specified new features of the present invention.

Since the viewing window works as a signal sign, it is very easy to be spotted and easy to be fully focused on by the user's eyes, similarly to a popping up structure. It is easier to be focused on and safer to be handled than any prior art system, especially since the rest of the neighboring walls of the viewing window are not transparent.

The prior art applied by the Examiner against the original claims has a transparent box with just two rectangular marks on it in the middle. Such marks are more difficult to be spotted than the crossing filling marks in accordance with the present invention. When the filling marks in the viewing window extend over the full length and the full width of the viewing window, or they form a cross, or both - they extend over the full length and width of the viewing window and form a cross, they are much easier to be spotted.

The new features of the present invention which are now defined in claims 13, 19 and 20 are not disclosed in the references, and

the references do not contain any hint or suggestion for such features. In order to arrive at applicant's invention from the references, it would not be sufficient to combine the references, but the references have to be fundamentally modified by including into them the new features of the present invention which have now been defined in the above-mentioned claims. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision *In Re Randol and Redford* (165 USPQ 586) that:

Prior patents are references only for what they clearly disclose or suggest, it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Also, the present invention provides for the above-mentioned highly advantageous results which cannot be accomplished by the features disclosed in the references. It is well known that in order to support a valid rejection in the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case *Ex parte Tanaka, Marushma and Takahashi* (174 UPSQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of the original skill in the art to rewire prior art devices in order to accomplish applicant's result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that claims 13, 19 and 20 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 13, they share its allowable features, and they should be allowed as well.

With the present amendment applicant also amended the identification of the priority document, which was submitted incorrectly in the previous amendment.

It should be emphasized that the Lenkiewicz reference was filed on October 28, 2004, while the priority date of the present application is April 21, 2004 and therefore this reference cannot be considered as a valid reference.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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